

**FRENCHTOWN CHARTER TOWNSHIP
ADULT DANCER AND ENTERTAINER LICENSING ORDINANCE
Ord. No. 174; Date of Adoption: October 1995**

An Ordinance to regulate dancers and entertainers who provide shows or exhibitions emphasizing specified sexual activities or specified anatomical areas which is an activity which unless properly regulated would result in a threat to the public health, safety and welfare of the persons in Frenchtown Charter Township. Accordingly, it is the intent and purpose of the Frenchtown Charter Township Board to adopt reasonable regulations for adult dancers and entertainers in the Township, so as to minimize the injury caused by this activity on the public health, safety, and welfare of the persons and property within the Township.

THE CHARTER TOWNSHIP OF FRENCHTOWN HEREBY ORDAINS:

Section 1. Short Title.

This Ordinance shall be known and may be cited and referred to as the Frenchtown Charter Township Dancer and Entertainer Licensing Ordinance and shall hereinafter be referred to as "this Ordinance."

Section 2. Definitions

- (a) Adult Cabaret. An establishment which features one or more dancers, strippers, male or female impersonators or similar entertainers, performers, wait staff or other persons who reveal or show Specific Anatomical Areas of their bodies or who engage in, perform, or simulate Specific Sexual Activities.
- (b) Adult Entertainment Business. Adult bookstores, adult cabarets, adult novelty businesses, adult motion picture theaters, adult personal service businesses, and restricted adult businesses.
- (c) Adult Personal Services Business. An establishment having a person or persons, while nude or while displaying Specific Anatomical Areas, providing personal services for another person or persons, which include, but is not limited to, the following activities and services, if the person or persons providing the personal service are nude or display Specific Anatomical Areas: massage parlors, exotic rubs, modeling studios, tattoo parlors, body painting studios, wrestling studios, and theatrical performances.
- (d) Dancer or Entertainer. A person or individual who provides entertainment which may include dancing emphasizing sexual activities, displaying nudity or showing specific anatomical areas during a show or exhibition at an adult entertainment business or other establishment.
- (e) Establishment. A business or enterprise which utilizes any building, structure, premises, parcel, place or area.
- (f) Massage Parlor. Any establishment where private massage is practiced, used, or made available as a principal use of the premises.

- (g) Restricted Adult Business. Any of the above defined uses, which are not customarily open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.
- (h) Specific Anatomical Areas. Less than completely and opaquely covered human genitals, pubic regions, buttocks, and female breasts below a point immediately above the line of the areola; and human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- (i) Specific Sexual Activities. Activities which include, but are not limited to: human genitals in a state of sexual stimulation or arousal; acts of masturbation, sexual intercourse, or sodomy; fondling or other erotic touching of genitals, pubic regions, buttocks, or female breasts.

Section 3. License Required.

- (a) It shall be unlawful for any owner, tenant, person, licensee, agent or employee, of any theater, establishment, bar, tavern, club or business offering any kind of show or exhibition emphasizing specified sexual activities or specified anatomical areas to employ or engage any person as a dancer or entertainer unless such dancer or entertainer possesses a valid entertainer's license issued by the Township.
- (b) It shall be unlawful for any person to provide his or her services as a dancer or entertainer in any theater, establishment, bar, tavern, club or business offering any kind of show or exhibition emphasizing specified sexual activities or specified anatomical areas, unless such person possesses at the place of employment, engagement, show or exhibition, a valid entertainer's license issued by the Township.

Section 4. Application.

Any person desiring employment as a dancer or entertainer in a theater, establishment, bar, tavern, club, business or any other place for which an entertainer's license is required shall first make application to the Township Clerk for a license as a required in this section.

At the time the application is filed, a non-refundable application fee in the amount of \$100.00 (One Hundred Dollars) shall be remitted to the Township Clerk, and shall be in addition to any other fee required by this section.

Any applicant for a license pursuant to this section shall submit the following information and submittals to the Township Clerk:

- (a) The full correct name, social security number and present address of the applicant.
- (b) The two (2) previous addresses immediately prior to the present address of the applicant and the dates of residence.
- (c) A complete description in writing of the services to be performed.

- (d) The location, name, and mailing address of all prospective employers.
- (e) Written proof (by birth certificate or sworn affidavits) that the applicant is at least 18 years of age.
- (f) The individual applicant's height, weight, color of eyes and hair, sex.
- (g) One (1) recent portrait photograph depicting a reasonable likeness of the applicant that is at least two (2) inches by two (2) inches.
- (h) A complete set of the applicant's fingerprints, which shall be taken by the Monroe County Sheriff or his designee with the required fee to be paid by the applicant.
- (i) All criminal convictions other than traffic violations and the specifics thereof.
- (j) The application shall be signed and its truthfulness sworn to by the applicant.
- (k) A complete list of all stage names, pseudonyms, aliases or nicknames under which the applicant has or will appear and documentation of any legal name changes by any court of record within the last seven (7) years, or name changes resulting from marriage or divorce.
- (l) Such other identification and information necessary to discover the truth of the matters specified in this section, as required by the Township Clerk and/or the Monroe County Sheriff or his designee.

Section 5. Issuance.

The Township Clerk shall issue or renew an entertainer's license after the Monroe County Sheriff's Department has completed a criminal record check of local and state police records and a criminal record check fee has been paid by the applicant. A record of conviction for an offense involving gambling, narcotics, prostitution, pandering, pornography, or any crime involving moral turpitude, or a violation of any provision of this section within the preceding two (2) years shall be grounds for refusal to issue or renew an entertainer's license.

Section 6. Renewal.

A dancer or entertainer must file an application for renewal with the Township Clerk's office on or before the first Monday in June of each year along with a non-refundable renewal fee of One Hundred Dollars (\$100.00).

Section 7. Revocation.

A license issued pursuant to this section shall remain the property of the Township and shall be revoked and surrendered upon demand when proof is submitted to the Township Clerk or the Monroe County Sheriff's Department of any violation of the conditions of its issuance.

Section 8. Repeal.

All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Section 9. Severability.

This Ordinance, and the various parts, sentences, paragraphs, sections, subsections, phrases, and clauses thereof are declared to be severable and if any of them are adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected.

Section 10. Penalty.

Any person or persons, firm or corporation who shall violate any of the provisions of this Ordinance shall, upon conviction thereof before a court of competent jurisdiction, be guilty of a misdemeanor and subject to a fine of not more than Five Hundred Dollars (\$500.00) or to imprisonment in the County Jail for a period not to exceed ninety (90) days, or to both such fine and imprisonment. Each day such violation continues shall be deemed a separate offense. The imposition of sentence shall not exempt the offender from compliance with the requirements of this Ordinance.

Section 11. Effective Date.

This Ordinance shall become effective immediately upon publication in a newspaper of general circulation in the Charter Township of Frenchtown, Monroe, County, Michigan.